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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,590	07/18/2000	Sha Ye	PORTP007	8637
26541	7590	07/25/2006	EXAMINER	
Cindy S. Kaplan P.O. BOX 2448 SARATOGA, CA 95070			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/617,590	Applicant(s) YE ET AL.	
	Examiner Lynda Jasmin	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 and 9-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6,9-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received May 11, 2006 has been acknowledged.
2. The indicated allowability of claim 5 is withdrawn in view of the newly discovered reference(s) to Farhat et al. (2001/0034704). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 3-6 and 9-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanagan et al. (2001/0056362 A1).

Hanagan et al. a computer implemented method and system embodied in a computer readable medium for rating a billing event in a real time accounting system with the steps of receiving a billing event for an account (via customer billing manager 18), retrieving current usage information for the account (event rater and pricer ERP 16), and rating the billing event upon receiving the event, according to the billing event, the current usage information, and a usage dependent rating scheme (as disclosed in box 0079).

Hanagan et al. further discloses a volume discount scheme comprises one or more rate step points (via price plans associated a number of discount per call) and two or more tiers (for example, there can be one tax rate for voice and another for fax), the event having an associated event quantity (via combining charges from multiple customers for accounts for volume discounts), and determining one or more rates applying to the event (based on volume), calculating a cost of the event and updating the account (box 0214). Hanagan et al. further discloses updating the account with the billing event (via customer billing manager CBM 18), providing a cost of the event to a source of the event (via cost tracking such as internal billing, invoicing and reporting) on a web page (via since user can view documents online), and calculating the cost is performed during the rating or after the rating is performed (via the event rater and pricer).

Hanagan et al. further discloses exactly one rate applies to the event (via single tier per service), wherein rating the event includes determining the exactly one rate responsive to the current accumulated usage information and calculating a cost of the

event (box 0214). Further, the one or more rate step points are responsive to a number of events (such as number of phone calls made) during a period (box 0216). The rate step points are responsive to an amount of usage (volume such as duration) of a resource associated with the event wherein the duration is minutes of a phone call (via connect time). The amount of usage may further be a number of items purchased (box 0082). Hanagan et al. further discloses that a cost of the event is determined responsive to a sum of the current accumulated usage information and the event quantity (box 0196). Further, a table is used in determining the cost (residential customer object and corporate customer object).

Hanagan et al. further discloses performing a look-forward into a rating scheme responsive to the account information comprising current accumulated usage information (via creating 156 recurring charge events in advance of a bill run to speed up the processing of billing) and sending marketing information to a user associated the account responsive to performing the look-forward (via helping in responding to customer inquiries which includes invoices, statements, marketing literature, and shipments). Hanagan et al. further discloses volume discount scheme including a plurality of rating curves (via the pricing structure object 66), including selecting one or more of the plurality of rating curves responsive to information about the event (box 0108).

However, Hanagan fails to explicitly disclose determining a current tier reservoir and if the event quantity is less than the tier reservoir, adjusting an account balance responsive to the current tier and the event quantity.

Farhat et al. discloses the concept of provides a "clearing house" function to facilitate the settlement of service usages between service providers and to process billing information in a manner compatible with the existing billing mechanisms of service providers. Farhat further discloses usage limits (start/end) are checked against respective usage counters in user account and account cycles incremented with the transaction duration for the end of user level conditions. The level of a user limit condition is specified in a rate record contained within the rate usage and rate transaction tables of the pricing tables 136. If a transaction causes an accumulated usage to exceed a specified usage limit, two sets of rates may be applied (e.g., the record may be reported as two call detail records in a call detail record report). Thus, a provider account cycle is updated by incrementing usage provided/value and usage provided/time balances, and by decrementing a current services charge balance and an account balance. Farhat et al further discloses sending an email message to user (via sending an e-mail to an accounting contact if credit limit is exceeded).

From this teaching of Farhat, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the real time accounting system of Hanagan to include the usage quantity and the accumulated usage associated to an account taught by Farhat in order to facilitate settlement of service usages between service providers and to process billing information.

Allowable Subject Matter

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to disclose if the event quantity is not less than the tier reservoir performing: calculating a portion cost for a portion of the event quantity equal to the current tier reservoir, adjusting an account balance by the portion cost, adjusting the remaining event quantity by the current tier reservoir; incrementing the current tier, setting the current tier reservoir to be a distance to a next step point from the incremented current tier, repeating said steps of calculating, adjusting the account balance, adjusting the remaining event quantity, incrementing and setting until the event quantity is less than the tier reservoir, then performing: calculating a final portion cost of the remaining event quantity responsive to the current tier, and adjusting the account balance by the final portion cost.

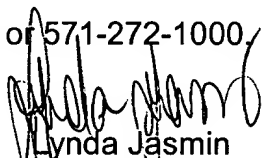
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lynda Jasmin
Primary Examiner
Art Unit 3627

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